

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL MINUTES

Date: February 4, 2022

Time: 11:35-1:33pm,
1:58-4:30pm

Judge: Edward J. Davila

Total Time: 4 Hrs. 30
Mins.

Case No.: 18-cr-00258-EJD-2

Case Name: UNITED STATES v. Ramesh Sunny Balwani(P)(NC)

Attorney for Plaintiff: Jeffrey Schenk, John Bostic, Robert Leach, Kelly Volkar, Amani Floyd

Attorney for Defendant: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Amanda McDowell, Molly McCafferty, Shawn Estrada

Deputy Clerk: Adriana M. Kratzmann

Court Reporter: Irene Rodriguez

Interpreter: N/A

Probation Officer: N/A

PROCEEDINGS – PRETRIAL CONFERENCE/MOTIONS HEARING

Defendant is present and out of custody. Hearing held.

Pretrial Conference: 11:35-12:12 pm (Total: 37 Minutes)

Counsel for the government shall provide the Jury Commissioner with 250 copies of the finalized questionnaire for the prospective jurors to complete by March 1, 2022. Once the questionnaires have been completed, Defense counsel shall make the necessary hard copies (including 2 sets for the court) from the original and shall also scan original questionnaires to create an electronic copy (flash drive) for the Court. Counsel shall return the ORIGINAL questionnaires with the 2 sets for the court and the flash drive by March 4, 2022, close of business.

The Court will review the proposed voir dire submitted by the Parties and may incorporate the additional questions in voir dire of the prospective jury panel. The Court may allow counsel 1 hour each side to voir dire the jury panel.

The Court will conduct challenges for cause at side bar (outside presence of prospective jury panel). Counsel is to consider the size of jury to be seated for trial including number of alternates.

The Parties shall provide the Court with an agreed upon neutral statement of the case. If a statement cannot be agreed upon then the Court will read the Indictment to the Jury.

The trial schedule will be Tuesday, Wednesday and Friday from 9:00 am to 3:00 pm and will be adjusted as necessary.

P/NP: Present, Not Present
C/NC: Custody, Not in Custody
I: Interpreter


Adriana M. Kratzmann
Courtroom Deputy
Original: Efiled
CC:

Fact witnesses shall be excluded from the courtroom during testimony. Fact witnesses shall not discuss their testimony with anyone. Experts and Case Agents are exempt from witness exclusion order.

Counsel is to advise the court on the need of ADA and technology equipment needs.

Motions in Limine Hearing – 12:12-1:133, 1:58-4:30pm (Total: 3 Hours 53 Minutes)

The Court heard oral arguments and took the matters under submission as to the following motion in limine:

Defendant's motions in limine numbers 1 through 6.

Government's motions in limine numbers 6, 7, 9, 10, 12, 13 and 14.

The parties agreed to submit without oral argument the government's motions in limine numbers 1 through 5, 11 and 15 and defendant's motion in limine number 15.

The parties agreed to submit without oral argument Defendant's motions in limine 7 and 15.

Defendant's motion in limine number 8 was partially argued and the parties agreed to portions of number 8 being submitted without argument. The Court continued portions of number 8 to the hearing date of February 8, 2022, at 10:00 a.m.

Under federal law, including Rule 5(f) of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions interpreting *Brady*, the government has a continuing obligation to produce all information or evidence known to the government that is relevant to the guilt or punishment of a defendant, including, but not limited to, exculpatory evidence.

Accordingly, the Court Orders the government to produce to the defendant in a timely manner all information or evidence known to the government that is either: (1) relevant to the defendant's guilt or punishment; or (2) favorable to the defendant on the issue of guilt or punishment.

This Order is entered under Rule 5(f) and does not relieve any party in this matter of any other discovery obligation. The consequences for violating either this Order or the government's obligations under *Brady* include, but are not limited to, the following: contempt, sanction, referral to a disciplinary authority, adverse jury instruction, exclusion of evidence, and dismissal of charges.

EXCLUDABLE DELAY: Previously ordered.

Category – Effective preparation of Counsel

Ends: 3/9/2022

P/NP: Present, Not Present
C/NC: Custody, Not in Custody
I: Interpreter


Adriana M. Kretzmann
Courtroom Deputy
Original: Efiled
CC: